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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,695	07/09/2003	Yoshihiro Nakami	MIPFP040	1595

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EXAMINER
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LEE, TOMMY D

ART UNIT	PAPER NUMBER
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2625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/616,695

Applicant(s)

NAKAMI, YOSHIHIRO

Examiner

Thomas D. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This Office action is responsive to Applicant's PRELIMINARY AMENDMENT, filed November 8, 2004. Claims 1-13 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 6 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication 2002/0008771 (Uchino et al., hereinafter Uchino).

Regarding claims 1 and 2, Uchino discloses an image processing method of processing an image data using an image file, the image file including the image data and image processing control information to be used for processing the image data (Fig. 16, paragraph 0094), the method comprising the steps of: (a) determining a degree of auto adjustment for adjusting lightness and contrast of the image data according to lightness of a whole image expressed by the image data, based on the image processing control information (paragraphs 0049, 0053); and (b) performing the auto adjustment based on the determination (paragraphs 0062-0065). The image processing control information includes light metering information showing whether a specific metering method is used for photographing of the image data, the specific metering method measuring light only in a specified field of view that is a part of the

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image (paragraphs 0051, 0094); and the step (a) includes the step of reducing the degree of the auto adjustment when the light metering information shows that the specific metering method is used for the photographing (paragraph 0064).

Regarding claims 5 and 6, Uchino discloses an image processing method of processing an image data using an image file, the image file including the image data and image processing control information to be used for processing the image data (Fig. 16, paragraph 0094), the method comprising the steps of: (a) selecting one of a plurality of adjustment modes according to the image processing control information (paragraphs 0051-0052); and (b) automatically adjusting lightness of the image data in the selected adjustment mode according to lightness of a whole image expressed by the image data, wherein the plurality of adjustment modes include a plurality of adjustment modes having a difference in at least one of a degree of lightness adjustment and a degree of contrast adjustment (paragraphs 0049, 0053, 0062-0065). The image processing control information includes light metering information showing whether a specific metering method is used for photographing of the image data, the specific metering method measuring light only in a specified field of view that is a part of the image (paragraphs 0051, 0094), and the step (a) includes the step of reducing the degree of the auto adjustment when the light metering information shows that the specific metering method is used for photographing (paragraph 0064).

Regarding claim 9, Uchino discloses an image output method of outputting image data in response to an image file, the image file including the image data and image processing control information to be used for image processing of the image data (Fig.

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16, paragraph 0094), the image output method comprising: the steps included in the image processing method in accordance with claim 1 (note claim 1 rejection above); and the step of outputting an image in response to the image-processed image data (inherent in digital camera taught by Uchino).

Regarding claim 10, Uchino discloses a computer-readable medium storing a computer program for causing a computer to process an image data using an image file, the image file including the image data and image processing control information to be used for processing the image data (Fig. 16, paragraphs 0085-0087, 0094), the computer program comprising programs causing the computer to perform: a function to determine a degree of an auto adjustment for adjusting lightness and contrast of the image data according to lightness of a whole image expressed by the image data, based on the image processing control information (paragraphs 0049, 0053); and a function to perform the auto adjustment based on the determination (paragraphs 0062-0065).

Regarding claim 11, Uchino discloses a computer-readable medium storing a computer program for causing a computer to process an image data using an image file, the image file including the image data and image processing control information to be used for processing the image data (Fig. 16, paragraphs 0085-0087, 0094), the computer program comprising programs causing the computer to perform: a function to automatically adjust lightness of the image data according to lightness of a whole image expressed by the image data in one of a plurality of adjustment modes (paragraphs 0049, 0053, 0062-0065); and a function to select one of the plurality of adjustment

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modes according to the image processing control information (paragraphs 0051-0052); wherein the plurality of adjustment modes include a plurality of adjustment modes having a difference in at least one of a degree of lightness adjustment and a degree of contrast adjustment (paragraphs 0049, 0053, 0062-0065).

Regarding claim 12, Uchino discloses an image processing apparatus for processing an image data using an image file, the image file including the image data and image processing control information to be used for processing the image data (Fig. 16, paragraph 0094), the apparatus comprises: an automatic picture quality adjuster configured to automatically regulate lightness and contrast of the image data according to lightness of a whole image expressed by the image data (paragraphs 0049, 0053); and an adjustment degree determiner configured to determine a degree of the auto adjustment based on the image processing control information (paragraphs 0062-0065).

Regarding claim 13, Uchino discloses an image processing apparatus for processing an image data using an image file, the image file including the image data and image processing control information to be used for processing the image data (Fig. 16, paragraph 0094); the apparatus comprises: an automatic picture quality adjuster configured to automatically adjust lightness of the image data according to lightness of a whole image expressed by the image data in one of a plurality of adjustment modes (paragraphs 0049, 0053, 0062-0065); and an adjustment mode selector configured to select one of the plurality of adjustment modes according to the image processing control information (paragraphs 0051-0052); wherein the plurality of adjustment modes include a plurality of adjustment modes having a difference in at least one of a degree of

lightness adjustment and a degree of contrast adjustment (paragraphs 0049, 0053, 0062-0065).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchino.

Regarding claims 3 and 7, Uchino discloses an image processing method, wherein the light metering information represents a selected one among a plurality of metering methods including averaged metering, center-weighted metering, spot metering, multi-spot metering, divisional light metering, and partial light metering, and the specific metering methods include the spot metering and the multi-spot metering (paragraphs 0051, 0105). While Uchino does not specifically disclose partial metering, Uchino states that other metering types may be employed (paragraph 0105). In view of this, one of ordinary skill in the art would have known that any known metering type, including partial light metering, could be used in the image processing method of Uchino. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Uchino by providing partial light metering, or other metering types, so that the image correction may be further optimized for selected areas of a photographed image.

Regarding claims 4 and 8, Uchino does not disclose a user interface allowing a user to select the degree of auto adjustment when the image processing control information indicates center-weighted metering. However, it is well known in the art to provide a manual mode for enabling a user to manually input information for image correction, as well as an automatic mode for enabling an imaging apparatus to perform the image correction without the need for the user to input the information. By providing a mode for manual correction, a user can correct an image according to his or her specific needs or intentions, and thus it would have been obvious for one of ordinary skill in the art to modify the teaching of Uchino by providing a means by which a user can select a degree of auto adjustment, regardless of the type of metering indicated by the image processing control information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas D Lee  
Primary Examiner  
Technology Division 2625

tdl  
March 27, 2007